

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

James Daniel Hajny )  
(full name) (Register No. )  
 )  
 )  
 )  
Plaintiff(s). )  
 )  
 )  
 )  
Case No. \_\_\_\_\_  
 )  
 )  
M. Douglas Harpool )  
(Full name) )  
Brian C Wilmes )  
David Rush )  
Defendant(s). )

**COMPLAINT PURSUANT TO 28 U.S.C. § 1331**

I. Place of present confinement of plaintiff(s): Greene County  
Justice Center

II. Parties to this civil action:  
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff James Daniel Hajny Register No. \_\_\_\_\_  
Address 1000 N. Boonville Ave Springfield Mo 65802

B. Defendant M. Douglas Harpool

Is employed as Federal Judge

For additional plaintiffs or defendants, provide above information in same format on a separate page.

12 II 8) Defendant: Bryan C Wimes

is Employed as: Federal Judge

II 8) Defendant: David Rush

is Employed as: Magistrate Judge.

III. Do your claims involve medical treatment? Yes  No

IV. Do you request a jury trial? Yes  No

V. Do you request money damages?  
State the amount claimed?  
Yes  No   
\$  /  (actual/punitive)  
*\$100,000,000*

VI. Are the wrongs alleged in your complaint continuing to occur? Yes  No

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure? *N/A*  
Yes  No

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? *N/A*  
Yes  No

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)  

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D. If you have not filed a grievance, state the reasons.  

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VIII. Previous civil actions:

1. A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? *N/A*  
Yes  No

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? *N/A*  
Yes  No

C. If your answer is "yes," to either of the above questions, provide the following information for each case.

(1) Style: \_\_\_\_\_  
(Plaintiff) \_\_\_\_\_ (Defendant) \_\_\_\_\_

(2) Date filed: \_\_\_\_\_

(3) Court where filed: \_\_\_\_\_

(4) Case Number and citation: \_\_\_\_\_

(5) Basic claim made: \_\_\_\_\_

(6) Date of disposition: \_\_\_\_\_

(7) Disposition: \_\_\_\_\_  
(Pending) (on appeal) (resolved)

(8) If resolved, state whether for:

\_\_\_\_\_  
(Plaintiff) or (defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

See Separate sheet Marked (3a).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. State briefly your legal theory or cite appropriate authority:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.  
I am seeking monetary relief for the violation of my Civil Rights, by all 3 Judges.

## IX Statement of Claim

A) ON 3/29/16, Magistrate David P. Rush held a hearing to inquire further into my allegations of ineffectiveness against my 3rd defense attorney Brian D. Risley. In my allegations I raised enough concern as I did with my 2nd public defender Brady A. Musgraves effectiveness. Mr. Musgrave was replaced on 11/19/15. In Magistrate Rush's response he was more concerned with allowing me only 3 attorney's, than the effectiveness of said attorney's. I was also not allowed to speak during the 3/29/16 hearing. Subsequently Magistrate denied my request to have a new attorney appointed.

On 3/30, 3/31, 4/11, 5/11, 5/23/16, letters were sent and filed in order to appeal Magistrate Rush's denial for a new attorney. In my letter dated 5/23/16, I included a letter sent by Mr. Risley where he clearly refused to do anything to assist in proving my innocence. I also gave information as to his failure to suppress my audio interview, and the admission he received from TFO Charles Root, that he had deleted the original recording and failed to preserve the digital recording device.

On 6/6/16, I was brought before Magistrate David Rush once again. I stated in open court as to when TFO Charles Root admitted to my attorney that he destroyed the original recording and conveniently misplaced the digital recorder. Not only did Mr. Risley acknowledge this fact but AUSA Ami Miller also acknowledged it as well. I insisted that Mr. Risley was required to place a motion for suppression, but Magistrate Rush insisted that I did not know the law and that any motion for suppression would be a verbal motion done at trial / not

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not before. Magistrate Rush knowingly and wilfully gave me erroneous information in open court, I also believe he asked for acknowledgement as to this information being true by both attorneys. Subsequently on 7/8/16 AUSA Ami Miller filed a limine motion in Court. It was granted on 7/12/16.

On 6/08/16, Judge Brian C Wimes, my original trial judge, denied my appeal to have Mr. Risley removed. I believe Judge Wimes was given false information by Magistrate Rush. Judge Wimes failed to be diligent in getting the facts, he relied on someone who had previously denied my request. Judge Wimes should of at least requested either the transcripts or the audio recording of the June 7 hearing. If he had he clearly would have heard all the facts.

Due to my trial being continued till 7/2016, it was re-assigned to Judge M. Douglas Harpool. On 7/12/16 a pre-trial hearing was held before Judge Harpool, to which I requested to have Mr. Risley removed due to his ineffectiveness, including his failure to subpoena witnesses on my behalf. Judge Harpool refused to hear anything on the matter due to Judge Wimes ruling on 6/08/16 and ended the hearing.

On 7/13/16, I drafted a motion to have Mr. Risley removed. I gave several reasons as well as facts for his removal. And on 7/18/16, the first day of my trial he heard my motion. Judge Harpool asked for more detailed information to which I gave him. I referenced the 6/7/16 hearing to the acknowledgement from both Mr. Risley & AUSA Ami Miller's admission to TFO Charles Roots destruction of the original interview recording.

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and his failure to preserve the digital device, how Mr. Risley failed to allow me the right to prove my innocence under the 6th Amendment, how Mr. Risley failed to subpoena witness on my behalf to which I demanded a mistrial on but was denied.

Judge Harpool gave me 2 options proceed with Mr. Risley or go Prose. I acknowledged that I did not have enough knowledge of Federal law to proceed on my own. Judge Harpool said I was only allowed 3 Public defenders, and I was at my limit. Subsequently my request was denied, but Judge Harpool did inform me that I opened myself up for a Motion 2255 at the end of my trial.

Because of the actions of Magistrate David P. Rush Judge Brian C. Wines, and Judge M. Douglas Harpool, on 7/6/16 I took a no contest plea. I was denied my right to a fair trial to which every American is allowed. This was done not only by my Public defender, but the judges who were assigned to uphold my Civil rights, & Protect them.

On 12/08/16 Judge Harpool sentenced me to 100 years

X. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name.

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B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes  No

If so, state the name(s) and address(es) of each lawyer contacted.

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C. Have you previously had a lawyer representing you in a civil action in this court? Yes  No

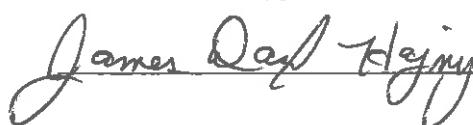
If so, state the lawyer's name and address.

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**I declare under penalty of perjury that the foregoing is true and correct.**

Executed (signed) this 18th day of December 2016



(Signatures of Plaintiff(s))

**GREENE COUNTY JUSTICE CENTER**  
1000 N Boonville

1000 N Boonville

James D. Hesney  
Inmate Name

Inmate Name

173426  
#1244

Jacket #

~~Legal document  
to be filed  
Urgent~~

Clerk of Court  
US District Court  
400 E 9th Street  
Kansas City, Mo  
64106

